

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JEREMIE COOPER,)	
)	
Plaintiff,)	
v.)	Case No. CIV-24-48-GLJ
)	
MARTIN O'MALLEY,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

OPINION AND ORDER

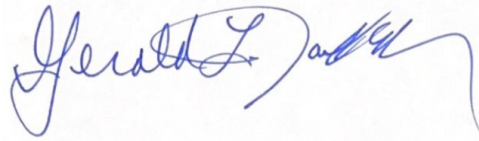
Claimant Jeremie Cooper was the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney's fees in the amount of \$5,911.65 for 22.15 hours of attorney work and 3.20 hours of paralegal work, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Docket No. 20, Ex. 1. The Commissioner's Response indicates he has no objection to Claimant's request for fees. Docket No. 22.

Upon review of the record herein, the Court finds that the agreed amount is reasonable and that the Commissioner should be ordered to pay it to the Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]"); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) ("The EAJA therefore permits

attorney's fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.'').

Accordingly, IT IS ORDERED that the Claimant's Motion for Attorney Fees under the Equal Access to Justice Act [Docket No. 20] is hereby GRANTED and the Government is hereby ordered to pay the agreed-upon \$5,911.65 fee award to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if the Claimant's attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 30th day of August, 2024.

A handwritten signature in blue ink, appearing to read "Gerald L. Jackson", is written over a light blue rectangular background.

GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE